

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING & REGULATION
BEFORE THE SOUTH CAROLINA REAL ESTATE COMMISSION**

IN THE MATTER OF:

Dorothea F. Jay,

License Number REL. 8527 (Cancelled PMIC),

Case # 2012-382

Respondent.

FINAL ORDER

This matter came before the South Carolina Real Estate Commission ("Commission") on July 16, 2014, for a hearing to consider the Memorandum of Agreement and Stipulations dated July 10, 2014. A quorum of Commission members was present. The hearing was held pursuant to S.C. Code Ann. §§ 40-1-70(6) and 40-57-60(2) (1976, as amended), and the provisions of the Administrative Procedures Act, S.C. Code Ann. § 1-23-10, *et seq.* (1976, as amended). Lauren Kearney, Assistant Disciplinary Counsel, represented the State. The Respondent was not present and was not represented by counsel.¹ After consideration, the Commission voted to accept the Memorandum of Agreement and Stipulations and the information provided at the hearing and determined the sanction and penalties for the Respondent's violations of the Real Estate Commission's statutes.

In the Memorandum of Agreement and Stipulations (MOA), the Respondent admitted to facts other materials referenced in the MOA, and admitted that her actions constituted violations of S.C. Ann. §§45-57-145 (A) (4) and (10) and 40-1-110 (1) (f) (1976, as amended).

FINDINGS OF FACT

Based upon the preponderance of the evidence in the record before the Commission, including Respondent's admissions in the Memorandum of Agreement and Stipulations and information presented at the hearing, the Commission makes the following findings of fact:

1. In or around 2011, Respondent was employed by Multifamily Management, Inc., to serve as the property manager of Somerset Apartments in Summerville, South Carolina.
2. In addition to managing the property, Respondent resided on-site.
3. In or around November 2011, Respondent received rental income in the amount of \$849.00 from two tenants of Somerset Apartments. Respondent applied those funds towards her own account balance and then gave the two tenants an account credit.

CONCLUSIONS OF LAW

Based upon careful consideration of the facts in this case, the Commission finds and concludes as a matter of law that:

¹Ms. Kearney submitted that the Respondent contacted her that Respondent would not be able to attend the hearing. Respondent did not ask for a continuance.

1. The Commission has jurisdiction in this matter under S.C. Code § 40-57-60 (2), and, upon finding that a Respondent has violated the statutes or regulations of the Commission, the Commission has the authority to order the revocation, suspension, or probation of a license to practice and prescribe conditions to be met during probation, restriction or suspension, including but not limited to the satisfactory completion of additional education, continuing education programs or a supervisory period.. Additionally, the Commission may assess a fine and impose a public reprimand. Upon a determination by the Commission that discipline is not appropriate, the Commission may issue a non-disciplinary letter of caution. S.C. Code Ann. §§ 40-57-150 and 40-1-120.
2. Respondent is in violation of S.C. Code Ann. § 40-57-145(A) (4) (1976, as amended) in that Respondent demonstrated bad faith, dishonesty, untrustworthiness, or incompetency in a manner as to endanger the interest of the public.
3. Respondent is in violation of S.C. Code Ann. § 40-57-145(A) (10) (1976, as amended) in that Respondent failed, within a reasonable time, to account for or to remit any monies coming into her possession which belong to others.
4. Respondent is in violation of S.C. Code Ann. § 40-1-110(1)(f) (1976, as amended) in that Respondent committed a dishonorable, unethical, or unprofessional act that is likely to deceive, defraud, or harm the public

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that:

1. Respondent shall be issued a public reprimand.
2. Respondent shall pay a penalty of Five hundred (\$500) dollars for each violation for a total penalty of One thousand five hundred (\$1,500) dollars. This penalty shall be due within ninety (90) days of the date of this Order.
3. Should Respondent fail to comply with the terms and conditions of this Order, Respondent's license shall be administratively suspended until compliance with this Order or an appearance before the Commission.
4. This Final Order shall take effect upon service of this Order on Respondent.

AND IT IS SO ORDERED.

SOUTH CAROLINA REAL ESTATE COMMISSION



Tony K. Cox
Chairman

August 13, 2014